

Article - Labor and Employment

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§5–212.

(a) (1) Except as provided in paragraph (2) of this subsection, if after an inspection or investigation, the Commissioner or authorized representative of the Commissioner is of the opinion that an employer has violated a duty under this title or an order passed under this title or an occupational safety and health standard or other regulation adopted to carry out this title, the Commissioner or authorized representative shall issue a citation to the employer with reasonable promptness, not to exceed the earlier of 90 days from the date of the closing conference on the inspection or investigation or 6 months from the occurrence of the violation.

(2) If the incident investigated by the Commissioner involves a fatality or serious physical harm, the Commissioner shall issue a citation with reasonable promptness, not to exceed 6 months from occurrence of the violation.

(3) If an employer to whom a citation is issued is a unit of the State government, the Commissioner or authorized representative shall send a copy of the citation to the secretary of the principal department to which the unit is assigned or, if the unit is not part of a principal department, the head of the unit.

(b) Each citation under this section shall:

(1) be in writing;

(2) describe, with particularity, the nature of the alleged violation;

(3) reference the provision of this title, order, or occupational safety and health standard or other regulation that the employer is alleged to have violated; and

(4) set a reasonable period for abatement and correction of the alleged violation.

(c) In accordance with any regulation that the Commissioner adopts to carry out this title, an employer who is issued a citation shall post the citation or a copy of it conspicuously at or near each place where the citation alleges a violation occurred.

(d) The Commissioner may establish, by regulation, procedures for issuance of a notice instead of a citation for a de minimis violation that has no direct or immediate relationship to safety or health.

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